

MAX ID = 132		Jeff Caron = JC / Nancy Driggs = NG Bob Gaw = BG / Jeff Sroczyński = JS John Martin = JM / Ruth Hollenbach = RH			Financial Town Referendum Recommendation Tracking Sheet 20 July 2011			
ID #	Origination Date	Close Date	Raised By	Section	Recommendation	Notes	Status	Solicitor Review
103	11-Jul-11		Joe Sousa		If amendments push us over budget, how to deal with it? A statement of excess tax levy needed.	FTMCAC: The Budget Proposal components will clearly state if there is an excess levy and the amount. This would apply to any Budget Proposal including those submitted by elector petition. The Town Council would be required to apply for the waiver. There would be advance warning if someone is attempting to exceed the cap, and whether the state has approved an excess levy. See #108.	PH-Closed	
104	11-Jul-11		Joanne Arruda		1. Strips away BC from being watchdogs b/c now anyone could submit a budget without any oversight.	FTMCAC: Under the current process anyone at the FTM can make an amendment and there is no oversight by the Budget Committee. Under the FTR proposal, those attending the FTH (which includes the Budget Committee) would have the opportunity to comment on the proposal then. In reality, the Budget Committee would have MORE oversight under the FTR because they (and everyone else) would know in advance what the proposals are and would have ample opportunity to vet them. In addition, power will be added to the BC under the latest FTMCAC recommendation because a petition originator can elect to have the Budget Committee make the changes to the final budget should an elector petition Budget Proposal be adopted. See #132.	PH-Closed	
105	11-Jul-11		Joanne Arruda		2. BC charged with presenting to town their budget – why does the Town Clerk preside over the FTH?	FTMCAC: The idea was to have an impartial neutral person (which is what the moderator is supposed to be) simply preside over the meeting. Because this issue is being raised, the FTMCAC feels it is wise to defer to current processes as much as possible. Treat this with Mr. Amarantes recommendation #131.	PH-Closed	
106	11-Jul-11		Joanne Arruda		3. Small type size an attempt to confuse and exclude people.	FTMCAC: This comment is offensive and ridiculous. Anyone requesting a larger font can simply request one from the clerk or go online and enlarge font via the zoom function in PDF viewers. Even so this document has been reformatted and the page count has more than tripled.	PH-Closed	

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107	11-Jul-11		Louise Durfee		1. This whole evening a set up for the committee and not the public (podium)	FTMCAC: Problem resolved at hearing.	PH-Closed	
108	11-Jul-11		Louise Durfee		2. "There is an Elephant in the Room": Both Versions give TC power over budget it has not had before; 2 members of TC have veto power over any tax cap excess – Paiva Weed does not allow exception for a Referendum. Under this proposal, budget proposal can be vetoed by 2 members of tax cap approached V2 situation even worse – TC has 2 person veto, majority of TC sets rate; transparency, forthrightness – should have been necessary disclosure to town – this all should have been clearly stated.	JC: While it was clear that Ms. Durfee was trying to speak against the 4/5th vote requirement, her statements were not accurate and in this case the precise wording makes a big difference. Specifically, she said: “...the budget control is passed to two members of the town council. Two members could vote, veto any electors’ proposals, as well as a school budget or, indeed, their own municipal budget, if that tax cap is approached.” - [reported in the Newport Daily News] The 3050 Tax Cap does not limit budgets, but rather the Tax Levy. So once a budget proposal is approved by the FTR, the respective school and municipal budgets are in force - period. What the Town Council could do is “veto”/limit the tax levy amount via the 4/5ths vote, but not the budgets. Anticipating the 4/5th quandary the FTMCAC last December asked Solicitor Teitz if it was OK that the FTR ballot question wording refer to a maximum tax levy ‘not to be exceeded’. The Solicitor opined that this was permissible. Hence the wording of sections 301 (b) 1.) C. Note on the sample ballots that the people vote for a tax levy “not to exceed” a dollar amount. This fact is critical to understanding this matter and was not addressed by Ms. Durfee. Below is an example of how the tax cap could play out: a) A petition which exceeds the tax cap is filed. b) The Town Council applies to the state for permission to exceed the tax cap (required by this charter proposal).	PH-Closed	

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108	continued1					<p>c) The state replies with either a YES (with a maximum excess levy amount) or a NO.</p> <p>d) The FT hearing occurs, at which time the eligibility to exceed cap will be known and part of the debate.</p> <p>e) Assume the FTR voters approve the budgets and excess levy.</p> <p>f) The FTR approved budgets are in force without question.</p> <p>g) If step C was a YES then the Town Council has to decide whether or not to implement the excess levy, versus say drawing on the General Fund Surplus.</p> <p>h) If step C was a NO then the Town Council cannot implement the excess levy and has to draw on the General Fund Surplus or find another revenue source to make ends meet.</p> <p>While step h is not ideal, it is the same situation that exists currently with the FTM, so it is no worse. The FTR offers significant improvement however in other areas such as requiring advance state approval, proper notice of excess levy to voters, etc. All in all the FTR is an improvement on this 4/5ths tax cap matter, and in no way can a 4/5th Town Council vote "veto" a budget.</p>	PH-Closed	
108	continued2					<p>FTMCAC: The same Paiva-Weed/3050/tax cap law applies the same at an FTM or an FTR. To the extent there is ambiguity in the tax cap as to FTMs, the FTR would resolve it. Also Ms. Durfee needs to distinguish between the levy and the budget. Further incorrect that Town Council sets anything under V2 – simply the prior year budget carries over.</p>	PH-Closed	

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109	11-Jul-11		Roger Bennis		Municipal and School budgets – on each side, line 6 should follow lines 2 and 4	<p>FTMCAC: The FTMCAC found this to be an excellent recommendation, discussed it at length, but decided not to implement for the following reasons:</p> <ol style="list-style-type: none"> 1) Section 301 (b) is significantly referenced throughout the proposals. As a result, any change to Section 301 (b) will require significant follow-through to ensure no unintended consequences. The FTMCAC was not comfortable implementing a change to 301 (b) given the time schedule. 2) Essentially the request is to create a "Municipal Tax Levy" and a "School Tax Levy", and show the percentage increase of each. The sum of the municipal and school tax levies is the total tax levy. These are new concepts to the Town, and were met with resistance when introduced in proposals made by JC in summer 2010. 3) Further to 2) above, these tax levies would consume much discussion and require much explanation, and hence would detract from the overall FTR presentation. 4) The calculation would definitely be a burden for an elector petition budget proposal, as many would need assistance to perform. 5) There is concern that a budget proposal would then have three levy % increases, and hence could lead to voter confusion on referendum day. 6) There is concern that the % increases could lead to an undesirable municipal vs. school friction centered around the FTR. <p>The FTMCAC thanks Mr. Bennis and suggests that Mr. Bennis retain this concept for a follow on year when the charter/FTR is being improved by "tweaking".</p>	PH-Closed	

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110	11-Jul-11		Deb Pallasch		1. Facts don't support all-day referendum turnout – other towns only show 3 – 8%;	<p>FTMCAC: The data furnished by Mrs. Pallasch is incomplete. For example, using a simple Google search the following was found about North Kingstown:</p> <p><u>North Kingstown Patch</u> "Though turnout for past referendums has been low (ranging from 10 to 30 percent of the population casting a vote), poll workers said that turnout this time around has been steady."</p> <p><u>NEIndependent</u> "In 2005, on a similar referendum that asked to add \$500,000 to the school budget, the measure lost 1,928 to 1,683, with a turnout of 18 percent."</p> <p><u>Projo</u> "At a budget referendum Tuesday, the measure was defeated by a vote of 1,652 to 491, a turnout of about 11 percent of eligible voters."</p>	PH-Closed	
111	11-Jul-11		Deb Pallasch		2. Budget enacted should be supported by majority of those participating – neither V1 or V2 represent a majority – 43% may be top no's determining what question to run-off for majority; in V2, majority gets one shot to agree – 5 choices, nothing passes, goes to current budget, will take away flexibility by hard-coding into charter.	<p>FTMCAC: A runoff of a plurality is a common practice in elections across the country. The only alternative is to allow only 1 proposal at the FTR and this would take away the rights of the Town Council / School Committee and the people to have their budget proposal(s) put forward. And at the end of the day, a majority of voters in the runoff select the budget (compare with the 2nd FTR in 2008).</p> <p>Handle V2 concern by hybrid proposed by Councilor Coulter at the 7 July 2011 FTMCAC meeting.</p>	PH-Closed	
112	11-Jul-11		Deb Pallasch		3. A town budget is how we set priorities for our town; not just about lowering taxes, and can't say emphatically FTR will increase participation.	<p>FTMCAC: All budgets set priorities.</p> <p>Even for the sake of argument if that was true, all of the other benefits of the FTR still stand, such as no worries about a quorum and ease of participation.</p> <p>See #110 for increased participation data.</p>	PH-Closed	

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113	11-Jul-11		Laura Epke		1. Many towns have a referendum – but they are different than this proposed. This is an experiment.(then named 3, including Jamestown which does not yet have one)	<p>FTMCAC: The FTMCAC acknowledges that this FTR proposal has features different than many other referendums in the state. This is because:</p> <p>A. Many of the referendums are TC adoption override provisions and Tiverton voters have already rejected this possibility.</p> <p>B. The FTMCAC wants to be successful in maintaining the rights of voters. Many FTM supporters and FTR opponents will clamor to the rights they have under the FTM. Hence, the FTMCAC seeks to maintain these rights. As such the current FTR proposal is put forth, which in nearly every aspect preserves these rights.</p> <p>C. One difference is the Budget Proposal "Ingredients", which it must be noted are essentially the same as those put forth in earlier versions by Brian Medeiros, Laura Epke, and Deb Pallasch. It is this Budget Proposal Format which leads to the "combined voting" that Mrs. Hermann comments on. A close comparison of this FTR proposal will show that the budget proposal, petitions, FTH, etc are also found in the earlier the earlier Medeiros-Epke-Pallasch proposal which went to Public Hearing in July 2010.</p> <p>D. A comparison with the earlier Medeiros-Epke-Pallasch proposal that went to public hearing in August 2010 will also show that it has YES/NO voting like FTR Version 2, including continuing the previous year's budget if no Budget Proposal is approved. The FTMCAC recommends Version 1 which does not impose a charter prescribed outcome should no Budget Proposal pass.</p>	PH-Closed	
114	11-Jul-11		Laura Epke		2. How NOTICE these budgets.	<p>FTMCAC: The Solicitor has reviewed the proposal and found no problems with the notice aspect.</p> <p>The requirements of 44-35-6 and other applicable state law would be resolved at the time of notice, presumably by the Solicitor.</p> <p>In 2010 the Town Council did NOT give the people notice and backdoored their FTM budget request.</p> <p>The FTMCAC recommends that all Budget Proposals on the ballot are noticed and available with the clerk, at the FTH, and on the town website.</p>	PH-Closed	X

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115	11-Jul-11		Laura Epke		3. Loads of details that need to be thought through.	<p>FTMCAC: That's why the FTMCAC has worked on this over 1 year and had over a dozen meetings and considered over 130 recommendations. All details which people brought forward have been considered and addressed to the extent of reasonable consensus. Compare this amount of preparation and scrutiny to the amount used by the Town Council in 2008 when they voted to put a proposal introduced by Brian Medeiros without proper notice and real time at the Public Hearing to the voters. This resulted in an Open Meetings Law violation. A careful comparison of that proposal, which actually went before voters, with the Current FTMCAC proposals shows that there were many deficiencies in the illegal 2008 proposal.</p> <p>In conclusion, wordsmithing can be a never ending process, and these FTMCAC proposals have been reviewed and vetted significantly more than the 1999 and 2008 proposals that went to the voters.</p> <p>The FTMCAC welcomes further input from Ms. Epke ASAP before final votes are taken by the Town Council at Public Hearing.</p>	PH-Closed	
116	11-Jul-11		Jim O'Dell		Support this and 33 other neighbors on his street support this – give it a try.	<p>FTMCAC: Acknowledgement.</p>	PH-Closed	
117	11-Jul-11		Carol Hermann		1. As a SC Member: frustrated by FTM; SC member – has right to recommend own budget and have it acted upon; place own numbers before the budget; under current proposals need to couple and learn municipal budget; SC must choose Municipal budget.	<p>FTMCAC: Mrs. Hermann is factually incorrect. Under the current FTR draft, there are ZERO requirements that the SC study or provide any information related to the Municipal Budget.</p>	PH-Closed	

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118	11-Jul-11		Carol Hermann		2. As a Voter: lose options as a voter if proposals are only voted as a fixed pair.	<p>FTMCAC: Incorrect: As a voter you may place any petition on the ballot you like if you do not like the fixed pair. That only takes 50 signatures.</p> <p>It is true that the FTM has "independent" municipal and school voting, and that the FTR has "combined voting". However, it is important to realize that "combined" voting is not a completely new concept, as the TC override provision in the 2008 TC adoption proposal which went to voters also used "combined" voting. Additionally the Medeiros-Epke-Pallasch proposal (July 2010 public Hearing) uses "combined" voting.</p> <p>Combined voting has the advantage of known tax implication upon vote being cast.</p>	PH-Closed	
119	11-Jul-11		Mike Burk		<p>Speaking as private citizen and as Chairman of the Tiverton Democratic Town Committee:</p> <p>1. Strongly recommends opposing both recommendations.</p>	<p>FTMCAC: From his comments it is clear that Mr. Burk opposes ANY replacement of the FTM, which is the charge of the FTMCAC, so his comments cannot really be addressed.</p>	PH-Closed	
120	11-Jul-11		Mike Burk		<p>Speaking as private citizen and as Chairman of the Tiverton Democratic Town Committee:</p> <p>2. Even though problems with FTM, don't throw baby out with the bath water.</p>	<p>FTMCAC: To characterize the FTM as a "Baby" is an opinion.</p> <p>The FTMCAC characterizes the FTM as an exclusive, divisive, and intimidating event that divides the community and often has results that do not represent the community as a whole. And as a reminder, voters in 2006 voted to have an alternative to the FTM be presented to them.</p> <p>Under no FTM scenario could most of the benefits that the FTR allows be achieved. In addition, FTM negatives such as intimidation practices are eliminated. In Tiverton many of these negative aspects can be eliminated if the FTR is adopted by voters.</p>	PH-Closed	

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121	11-Jul-11		Mike Burk		<p>Speaking as private citizen and as Chairman of the Tiverton Democratic Town Committee:</p> <p>3. Proposals biased to effect TCC interests only – committee now TCC supporters – push it through whether it makes sense or not; shifts power to TC; cannot trust process b/c of partisan nature, and b/c of a private conversation.</p>	<p>FTMCAC: Both proposals do their best to retain the good parts of the FTM, government balance of power, and voter rights. The primary goal is to replace FTM voting with all day referendum voting. If this is the bias, that is that all day voting in a referendum is somehow a "bias", then we defer to comment #119, where the FTMCAC concluded that Mr. Burk prefers the public voting of the FTM which includes, among other negatives, voter intimidation and often exclusion of the elderly.</p> <p>Laura Epke and Deb Pallasch chose to seek office knowing they would have to resign from the FTMCAC if elected. Brian Medeiros willingly offered his resignation.</p> <p>The current makeup of the FTMCAC has not altered any major tenets of the proposals, and in fact has worked diligently to consider the recommendations of many. The FTMCAC notes that the structure of a Budget Proposal remains virtually the same as it did when the FTMCAC was formed. Version 2 was created to address the concerns of Deb Pallasch and Carol Hermann among others.</p> <p>To say 'push it through whether it makes sense or not' is frankly nonsensical. The proposals have been and are being vetted (over 130 recommendations considered), and Tiverton Voters will make the ultimate decision. By supporting these proposals the Town Council will let the voters decide, as opposed to what the 2008 Town Council did when they voted to NOT put a referendum style FTM replacement before voters.</p>	PH-Closed	

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121	continued ¹		Mike Burk			<p>Louise Durfee made the motion to form the FTMCAC in 2010, and at that time it was clear that a referendum was the only FTM replacement under consideration. Again, it appears that Mr. Burk opposes the entire notion of using a referendum for budget adoption.</p> <p>To say that the FTR shifts power to the Town Council is not founded. See #108.</p> <p>Please note that the Newport Daily News has endorsed eliminating the FTM seven times.</p> <p>Also, please note that the "Frank Marshall Poll" at the 2010 FTM showed overwhelming support for a Referendum:</p> <p>"Continue the FTM?" Yes - 64 No - 83</p> <p>"Alternatives?" All Day Ballot - 87 Town Council - 26 Budget Committee - 12 Combo Committee - 35 Other - 3</p>	PH-Closed	
122	11-Jul-11		Mike Burk		4. "Private ballot" is semantics – should be "in secrecy" – but due to a private conversation the word "secret" removed.	<p>FTMCAC: The Tax Assessor was the first to raise the "Private" versus "Secret" debate on 20 April 2011 (See #18 above). Additionally this was debated at length by the FTMCAC in open session. The FTMCAC agrees, as it did previously, that a "secret ballot" is a term of the art. However, it also acknowledges that the stronger word, "secret", has negative connotations that can easily be taken out of context. As was previously decided, this is merely a question of a preference in word choice, having no impact on the merits.</p>	PH-Closed	

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123	11-Jul-11		Mike Burk		5. Ballot question: to "implement" a FTR doesn't let voters know they are "replacing" FTM	FTMCAC: The FTMCAC feels brevity is an important attribute for this ballot question. In consideration of this, the 2008 ballot question wording, and Mr. Burks input, the FTMCAC voted unanimously to amend the Ballot Question to read: AMENDMENT TO TIVERTON HOME RULE CHARTER Article III And All Related Sections "Shall the Tiverton Town Charter be amended to replace the Financial Town Meeting with a Financial Town Referendum in which voters, by private ballot at polling places open all day, vote on budget appropriations, the tax levy, and resolutions?"	PH-Closed	
124	11-Jul-11		Mrs. O'Dell		1. Have other towns that have referendums in RI had large tax increases?	FTMCAC: The FTMCAC does not have this data.	PH-Closed	
125	11-Jul-11		Mrs. O'Dell		2. Referendum would end FTM voting intimidations.	FTMCAC: Agreement	PH-Closed	
126	11-Jul-11		Sally Black		1. s. 1629 – School committee has to adopt a budget to submit to a local appropriating authority – that's FTM, not the Town Clerk	FTMCAC: The charter is the equivalent of state law, so there is no need to be concerned with a conflict with that section of the state law. In any event, the SC still does get to submit its budget to the people, regardless of whether it is included within a larger budget, or via the Town Clerk for administrative purposes.	PH-Closed	
127	11-Jul-11		Sally Black		2. 2008 – People don't want the Town Council in charge	FTMCAC: 2008 is suspect because of broken meeting law, but agreed. If anything the current proposal actually removes power from the TC. It must apply for waivers and cannot drive last minute changes as in the past. The people get more power.	PH-Closed	

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128	11-Jul-11		Sally Black		3. s. 1218 – language too broad – can't speak or use their labor.	<p>FTMCAC: This has been addressed twice through solicitor. The SC is in the same position of advocacy with the FTH as with the FTM. Charter Section 1218 does not limit free speech. What it does limit is the use of Town Resources to influence the outcome of a voting contest.</p> <p>In 2008 Section 1218 was born out of the School Department using public resources to overturn the will of the voters at the first week of the FTM. There were two primary ways the School Department used these resources:</p> <ol style="list-style-type: none"> 1) The School Department used children to carry political propaganda into homes, and 2) The School Department used the emergency phone calling system to selectively solicit attendance from the homes of the school community. <p>Mr. Mike Burk was the vice chair of the School Committee at that time, and Mrs. Black was on the School Committee. Both Mr. Burk and Mrs. Black refused to support a motion made by Mr. Lenny Wright to investigate the matter, and the motion failed without a second. This is ample justification that Section 1218 is a necessary limitation on the government, as clearly the School Committee in 2008 refused to police itself.</p>	PH-Closed	
129	11-Jul-11		James Arruda		'There are no nursing homes in Tiverton'.	<p>FTMCAC: Mr. Arruda is incorrect. One floor of the Sakonnet Bay Manor (at the site of the former Coachman Restaurant) is a nursing wing.</p> <p>Mr. Arruda is not acknowledging these fellow citizens who live at assisted living facilities.</p> <p>In addition, there are elderly and disabled persons who cannot leave their home. The Board of Canvassers does a great job reaching out to these people so their vote can be counted. See # 47 above. The provision for Absentee Ballots under the FTR at least allows for these fellow citizens to cast their vote.</p>	PH-Closed	

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130	11-Jul-11		Brett Pelletier		The Town Council was elected to set budgets.	<p>FTMCAC: This is not a correct statement. Tiverton voters at the FTM set budgets. There have been two attempts to eliminate the FTM. Both of those proposals put the Town Council in charge of the process. The Ballot Questions and voting results were:</p> <p><u>1999</u> "Amend Article III Financial Town Meeting: Shall adoption of the budget by the Financial Town Meeting be replaced by the Town Council adoption of the budget, such adoption to continue to include Budget Committee recommendations and public hearings and if so, the new budget process to be codified in Town Ordinance following appropriate public hearings?" Approve 376 Reject 1218</p> <p><u>2008</u> "Article III and All Related Sections Shall the Tiverton Town Charter be amended to replace the Financial Town Meeting with Provisions that empower the Town Council to adopt the Town budget, subject to approval by Referendum If called for by Citizen petition?" Approve 2921 Reject 4183</p> <p>Clearly the voters of Tiverton do not want the Town Council to have the lead on setting the Town budgets. The FTR keeps the voters in charge of setting budgets and the maximum tax levy.</p>	PH-Closed	

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131	13-Jul-11		J Amarantes	Section 301 (e)	<p>1. First is the argument that because the Town Clerk would preside over the financial town hearing the Budget Committee is being stripped of power. Therefore I urge that the current proposed language be changed to read as follows: "The Budget Committee Chair shall preside over the Financial Town Hearing". This is really what happens anyway.</p>	<p>FTMCAC: The Financial Town Hearing is created so that all FTR ballot items can be debated. It has been termed by some as "the FTM without voting". This said, it must include the relevant participants and offer equitable opportunities to all ballot items.</p> <p>To accomplish this the FTMCAC tried to follow the roles and responsibilities under the current charter as much as possible:</p> <ol style="list-style-type: none"> 1) The Town Clerk sets the Agenda of the FTM. As such, the Town Clerk shall set the Agenda of the FTH. 2) The Town Clerk introduces speakers in accordance with the Agenda at the FTM. As such, the Town Clerk shall introduce speakers in accordance with the FTH Agenda. 3) The Budget Committee presents the docket as a single line item on the FTM agenda. Additionally, the Budget Committee presents the Docket at Public Hearing. To maintain this functionality in both instances the BC shall present the docket at the FTH as a single line item on the FTH Agenda. 4) The FTM has an elected Moderator to facilitate substantive debate at the FTM. However, since the FTR eliminates the FTM altogether, the FTMCAC views electing a moderator as over burdensome in the context of the FTH. 5) The Town Council and School Committee historically have representation at the FTM. 	PH-Closed	

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131	continued1					<p>The FTMCAC discussed having the Chairman of the Budget Committee moderate FTH debate, and concluded that the Budget Committee chairman is inherently conflicted, not in a legal sense, but from the standpoint of impartiality because he or she represents the Budget Committee recommendation. The analogy would be that the Budget Committee Chairman also served as Moderator at the FTM.</p> <p>The FTMCAC also recognized that by having the Budget Committee Chairman present the docket as a single line item, and of course engage in debate, then the "roles" of the Budget Committee found in the historical Budget Committee hearing and the FTM were maintained. Additionally, the FTMCAC recognized that while redundant (and costly due to advertising), nothing in the charter would prohibit the Budget Committee from holding it's own Public Hearing on the Docket, should the Committee choose to do so.</p> <p>For these reasons the FTMCAC unanimously supported the notion that the Town Clerk "facilitate" the FTH Agenda so that things progress in an orderly fashion.</p>	PH-Closed	

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131	Continued1					<p>The FTMCAC rewrote the FTH section to achieve the objectives above:</p> <p>(e) Financial Town Hearing</p> <p>1.) Purpose: The ballot pursuant to Section 301 (b) as it will be presented at the Financial Town Referendum shall be provided for electors to review and equitably debate all budget proposals and resolutions.</p> <p>2.) Notice: The agenda notice for the Financial Town Hearing shall comprise the Budget Committee recommendation and other qualified budget proposals as they will appear on the ballot for the Financial Town Referendum.</p> <p>3.) Time: The Town Clerk shall schedule the Financial Town Hearing to be no later than fourteen (14) days prior to the Financial Town Referendum.</p> <p>4.) Agenda: The Town Clerk shall set, introduce speakers in accordance with, and equitably facilitate the Financial Town Hearing agenda. The agenda shall include, at a minimum, a line item for the presentation of the Docket by the Budget Committee or representatives thereof, line item(s), if any, for the presentation of additional Budget Proposal(s), and line item(s), if any, for Resolution(s).</p> <p>5.) Attendance: The Financial Town Hearing shall, at a minimum, be attended by representatives from the Town Council, Budget Committee, and School Committee. Attendance by Budget Proposal and or Resolution Petition Originators or representatives thereof shall be optional at his or her discretion.</p>	PH-Closed	

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132	13-Jul-11		J Amarantes	Section 301 (b)	<p>2. Second is an excellent point made by Councilor Pelletier concerning the allocation uncertainty resulting from a taxpayer petition prevailing. As a former Town Treasurer who had to set up all the docket accounts and with their precise approved allocations, I agree. Accordingly, the "Elector Budget Proposals" language must be changed to read as follows: "...and the ballot entry amounts of Section 301 (b) Ballot 1.) through 6. The petition must also clearly show which docket line item is being increased or decreased or created. The Town Clerk shall record the dollar amounts..."</p> <p>In this manner (1) it is clear that all other docket amounts still control and not town council amounts set at some later Council meeting (2) it makes it clear that only a particular docket line item is being changed and identifies the line item (3) the Town Treasurer will be able to set up the accounts on a required line-item basis, immediately after the FTR.</p> <p>3. I am not saying that your current proposed petition language/format be changed as long as the informational booklet tells everyone which line item will be affected and by how much if that petition is approved</p>	<p>FTMCAC: The FTMCAC addressed this previously in #57.</p> <p>However, since it has come up again the FTMCAC discussed that the points raised by Mr. Amarantes are valid. Also discussed was the complaint of Mrs. Hermann that a member of the School Committee couldn't/shouldn't/is not authorized etc to recommend a municipal amount. The FTMCAC recalled that it yielded to Mrs. Hermann's request in the V1 + V2 language submitted to public hearing, and that in doing so the School Committee was absolved from having to "learn about" the municipal budget.</p> <p>In the present discussion the FTMCAC agreed that if the members of the school committee were absolved (at their request) from having to provide municipal amounts, then a petition originator should have that option too. In other words, it would not be correct to hold an engaged elector to a higher standard than an elected official. As such, the FTMCAC recognized that the Budget Committee is likely the most informed body in the town to assess budget line items, and generated an option to remand the docket to the Budget Committee for adjustment to be consistent with the approved budget proposal.</p>	PH-Closed	

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132	continued1					<p>The FTMCAC recommends the following, which meets the objectives of Mr. Amarantes concerns:</p> <p>Require that an Elector Petition be accompanied by EITHER:</p> <p>1) A statement depicting which docket line item(s) is(are) being increased or decreased or created.</p> <p>OR:</p> <p>2) A statement to remand the docket to the Budget Committee for final determination of budget line item(s) in accordance with said petition originator's budget proposal.</p> <p>1-2 above address the concerns of Mr. Amarantes while increasing the options to electors and adding a duty to the Budget Committee's role.</p> <p>This following language has been drafted and is recommended to the FTMCAC by unanimous vote:</p> <p>"The petition originator shall provide and the Town Clerk shall record either (1) the specific docket line item(s) to be increased, decreased, or created, or (2) a statement to remand the docket to the Budget Committee for final determination of docket line item(s) in accordance with said petition originator's budget proposal."</p> <p>Also, V1 + V2 provide for an optional Elector Petition written statement which is to be recorded by the Town Clerk. The FTMCAC recommends this remain unaltered.</p>	PH-Closed	
1	11-Apr-11		JC	Cover Page	"Improvements over FTM" - add a chart / list of all things in common with FTM.	Ongoing FTMCAC: This action is for a future FTMCAC Meeting.	Open	
48	31-May-11		JC		Update and include more ballot question samples to capture different scenarios.	FTMCAC: JC & ND to draft and submit under cover letter.	Open	
49	31-May-11		JC		Map working document over to actual charter including all strikes and deletions.	JC: This will need to happen for final submission. Do not wait till last minute -too much chance for error.	Open	

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50	31-May-11	21-Jun-11	JC		Should flowchart be included with proposal? If so how?	JC & ND: Do not include in charter itself, but rather possibly reference under cover letter to TC. Use as a voter explanation tool. Recommend closing. FTMCAC: OK, JC & ND to do.	Open	
51	31-May-11	21-Jun-11	JC		Should sample ballot questions be included with proposal? If so how?	JC & ND: Do not include in charter itself, but rather reference under cover letter to TC. Be sure to capture legislative intent. Recommend closing. FTMCAC: OK, JC & ND to do.	Open	
90	19-Jun-11	21-Jun-11	JC	Exhibit 2	Seems inappropriate to have this be part of the actual charter, yet is seems critically important that the "legislative intent" conveyed by the sample FTR ballot be recorded.	JC & ND: Transmit this under cover letter to the TC. Recommend FTMCAC authorize JC & ND to draft and submit. FTMCAC: JC & ND to drafted additional examples as needed.	Open	
91	20-Jun-11		TSC Robinson		1. Sec. 301(b), Budget Proposals: Under this section, a budget proposal need only include ". . . the dollar amount to appropriate for the School Department budget." At a recent meeting which I attended, it was pointed out that it was not clear that whether the "dollar amount" referenced was intended to be the full appropriation (state and local funding), or simply the local appropriation. Mr. Caron's response was that the reference was intended to be ambiguous in light of the case currently pending before the Commissioner of Education.	ND & JC: FTMCAC should discuss. Case will likely be appealed. Perhaps let TC decide this. FTMCAC: Leave this open and reference in cover letter to TC.	Open	

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91	continued1				Under no circumstances can we recommend leaving this language ambiguous. To do so would be an indication to further litigation over this issue. I especially cannot recommend adoption of this language in light of our reading of the law and the Commissioner's earlier advisory. Under the Commissioner's previous advisory, the Town must make a total appropriation that includes both the local and state funds, and that the Town is also responsible for that total appropriation. It should therefore be made clear that any budget proposal for the School Department must state a total appropriation that includes both the local appropriation and any state aid. Anything short of clarity on that point should be rejected by the School Committee. Intentionally drafting his article to be ambiguous is a disservice to both to the School Department, the children, and the taxpayers of Tiverton and will in our opinion will absolutely lead to further and contentious litigation.		Open	
91	continued2				Furthermore, under this section, it appears that any budget proposal that is presented, including that which is presented by the School Department, must include the dollar amounts for the municipal as well as the school department budget. This is troublesome because the School Department is not legally responsible for preparing a municipal side budget under RIGL 16-2-21. Furthermore, the School Department would not even have the information to develop that municipal budget properly.		Open	
2	11-Apr-11		JC	Through-out	"Financial Town Referendum"	Implemented by JC Agreed to by unanimous consent on 11 April	Closed	

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3	11-Apr-11		Brian Medeiros	Section 301 d2	Elector Non Budget Proposals - Are there things we need to include/exclude?	Brian to bring forward a list for discussion. FTMCAC: Covered by 301 b 2. Recommend Closing	Closed	X
4	11-Apr-11		Brian Medeiros	Section 301 g 3	BOC Jurisdiction over FTR	JC talked to Clerk: BOC would certify vote by next day JC spoke to BOC Chair: RIGL is silent on BOC jurisdiction over FTMs. BOC agreeable to have charter delegate jurisdiction to BOC. BOC meeting Monday AM to discuss. JC spoke to Miguel Nunez at BOE: The FTR would not fall under Title 17, and as a result the BOC Rules and Regulations regarding Absentee Ballots applies. Mr. Nunez had no problem with the phrase "including a process for absentee ballots" to authorize the BOC to implement a policy with respect to absentee ballots. Close.	Closed	X
5	11-Apr-11		JC	Section 902 a	"subject to appropriation by the FTM" Should we not delete this?	JC talked to Laura Epke. Reason for deletion is that there is no mechanism to vote on this in the Referendum under the Medeiros-Epke-Pallasch ballot question format. Recommend deletion.	Closed	
6	11-Apr-11		JC	Section 903 a	"subject to appropriation by the FTM" Should we not delete this?	JC talked to Laura Epke. Reason for deletion is that there is no mechanism to vote on this in the Referendum under the Medeiros-Epke-Pallasch ballot question format. Recommend deletion.	Closed	
7	11-Apr-11		JC	Section 1101	(b) Compensation Should we not delete this section?	JC talked to Laura Epke. Reason for deletion is that there is no mechanism to vote on this in the Referendum under the Medeiros-Epke-Pallasch ballot question format. Recommend deletion.	Closed	
8	11-Apr-11		JC	Section 1309	(b) Compensation Should we not delete this section?	JC talked to Laura Epke. Reason for deletion is that there is no mechanism to vote on this in the Referendum under the Medeiros-Epke-Pallasch ballot question format. Recommend deletion.	Closed	

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9	11-Apr-11		Brian Medeiros	Section 301 (c)	Who will automatically place budget proposal on ballot?	<p>Consensus on 21 March gave BC (lead), TC, and SC access to ballot.</p> <p>Issue raised again by Brian Medeiros on 11 April.</p> <p>JC took initiative to go before the SC on 4/26.</p> <p>Brian Medeiros: Proposed an idea where BC only leads, and charter has language where TC/SC could endorse either BC Recommendation or a petition - and said endorsement would appear on ballot.</p> <p>JC: Initial feedback from the SC is that they want access. Language drafted for review by SC. Suggest leaving open until after meeting with SC on 10 May.</p> <p>JC: Most agree it is the role of the BC to recommend (take the lead) re first, automatic, required Budget Proposal. As such if the FTMCAC agrees recommend closing.</p>	Closed	
10	11-Apr-11		Brian Medeiros	Section 301 (g) 6.)	how to have one-time process without risks of plurality	<p>Inquired with Solicitor re plurality "Vote for One" ballot structure. Solicitor provided written opinion dated 3 December 2010 that there is no legal provision to prevent a plurality "Vote for One" ballot.</p> <p>Policy tradeoff for FTMCAC: "minority adoption" versus "non-finality"</p> <p>Brian Medeiros will not support a plurality vote.</p> <p>JS proposed a vote for one with majority requirement, and a post runoff of the two highest vote getters if needed. JC to draft language in V4.</p> <p>JC: Language drafted for FTMCAC review and approval.</p> <p>ND: Need to clarify "majority" - majority of what?</p> <p>FTMCAC: "a majority of votes cast shall be adopted"</p>	Closed	
11	11-Apr-11		Brian Medeiros		retaining FTM voters' rights to exceed state tax-cap	<p>Brian Medeiros has proposed language for consideration.</p> <p>Brian Medeiros to send JC language - upon agreement of draft forward to solicitor for request.</p> <p>JC: Brian Medeiros resigned from the FTMCAC. To Date he has not brought this language forward as a member of the public.</p> <p>Recommend FTMCAC discuss in conjunction with Item 28.</p> <p>FTMCAC: State Law controls</p>	Closed	X
12	11-Apr-11		Brian Medeiros		what if there is only one budget proposal on ballot	<p>FTMCAC to decide policy wise that if there are no challenges to BC budget then just adopt it.</p> <p>Unanimous consent that FTR must occur.</p>	Closed	
13	11-Apr-11		Brian Medeiros		what to do with resolutions under FTM (TC's right?)	<p>Addressed by Non Budget Proposals and those that have been hard worded into the charter proposal</p>	Closed	

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14	11-Apr-11		Brian Medeiros		can't do additional spending items (50 signatures/"ladder truck")	Addressed by Non Budget Proposals because they cannot affect Budget Proposal Entities	Closed	
15	11-Apr-11	31-May-11	Brian Medeiros	Section 301 g 1.)	what to do with other business allowed at FTM	Handled via Non Budget Proposals. JC added section 301 g 1.) which make it clear that FTR can also address other questions. Brian Medeiros: Is there something that may need to change when FTM>FTR? Ask Nancy. JC: Check with Nancy Mello. Nancy Mello: Non Budget Proposals handles FTM "Resolutions". All seems to be covered. FTMCAC: Recommend closing.	Closed	X
16	11-Apr-11		Brian Medeiros		what to do about voters / TC right to call "special FTM" during the year	JC drafted language to address this concern in V3. The right of TC/electors to call special referenda remains unchanged.	Closed	
17	11-Apr-11	31-May-11	Brian Medeiros		unanticipated legal / Charter changes resulting from FTM-to-referendum change	Brian Medeiros stated this is like 11 above FTMCAC to review and compile list to best of ability so that it is prepared for questions. FTMCAC: Refer to Solicitor. JC: V7 sent to Solicitor for review - recommend closing.	Closed	X
18	20-Apr-11		Tax Assessor		change "secret vote" to "private vote" (Assessors personal preference)	FTMCAC agreed "Secret Ballot" is a term of the art. Wording unchanged. FTMCAC: Changed to Private in the ballot question/etc based upon feedback received.	Closed	
19	20-Apr-11		Tax Assessor		change "appeal" to "appear" in "Access to Ballot"	JC fixed this - close	Closed	
20	20-Apr-11		Tax Assessor		change "ABR" to "FTR" in flowchart	JC fixed this - close	Closed	

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21	20-Apr-11		Tax Assessor		Clarify Municipal include/not include treasurer & clerk budgets	JC fixed this - close	Closed	X
22	20-Apr-11		Tax Assessor		Move FTR date to last Tues in May. Confirm OK with Treasurer, TA re prepay issue. Brian Medeiros preferred 2 June - unanimous consent to put back to 2 June and see how feedback comes in.	Updated in V3 to last Tues in May Updated in V4 to first Tuesday in June FTMCAC: Upon consideration of MUCH feedback, "Third Tuesday in May".	Closed	
23	22-Apr-11		Laura Epke	Section 301 d. 1	Delete: "Originator specified ballot entry amounts must and shall be verified by the Town Clerk within one (1) business day. No petition shall be accepted that proposes an appropriation or tax levy amount that is in violation of the RI General Laws." Town Clerk arbitrating this could create a battle. Better to remain silent and let the petition live/die on the merits.	FTMCAC to decide JC asked that this be left open JC: Owing to the comment by Carol Hermann, JC deleted this requirement - for FTMCAC review and approval. Close.	Closed	
24	25-Apr-11	7-Jun-11	JC		Allow for absentee ballots	Town Clerk investigating with BOC/BOE. JC: Leave open for JC to work. JC: Address in conjunction with #47.	Closed	
25	25-Apr-11		JC	Section 301 (b)1.)	Allow for General Fund Offset/there must be a way to accomplish this on the ballot in one step, not two.	JC drafted language to permit this. Approach is the same as used for the excess levy - namely to bury the approval right in the budget proposal statement. JC: FTMCAC review and approval See #81	Closed	X
26	25-Apr-11		Carol Hermann		Is there a limit on the total # of proposals? For example, with 8 proposals 15% of the voters voting could decide budget.	JC: Plurality issue address by Section 301 (h) runoff. Suggest FTMCAC review and approval.	Closed	
27	25-Apr-11		Carol Hermann		Petition & process to exceed the CAP.	JC: Language added to Town Council powers and duties which requires them to seek state approvals for excess levy should a Budget Proposal with an excess levy be received by the Town Clerk. Recommend FTMCAC review and approval/close.	Closed	
28	25-Apr-11		Carol Hermann		4/5ths must be clarified	Discuss this with #11, #101	Closed	

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29	25-Apr-11		Bill Rearick		Special Meeting: State law allows for an additional budget. The SC can ask the appropriating body for more funds. We need to comply with the RIGL requirement. See RIGL 16-2-9 #9 and 16-2-21.4 (Carulo Act)	JC: See latest cover letter to SC. Propose that current language meets the RIGL requirements. Suggest leaving open until after meeting with SC on 10 May. JC: V5 has revised language. To date Robinson has no issues re Ballot Access in a Carulo action. Recommend closing - reopen if Robinsons legal opinion changes.	Closed	
30	4-May-11	31-May-11	JC		Should FTR Runoff be 7 or 14 days after FTR?	Suggest getting input from Town Clerk & Town Administrator. 7 Days after FTR is by defn the day after Memorial Day. Can BOE print Ballots that fast? Do we want to let a news cycle occur? JC: Needs further investigation - leave open. JC: Spoke to SOS and BOE. 7 days after FTR is the day after memorial day. In addition, the critical path steps needed for the runoff would be difficult to achieve in Wed - Friday (Monday = holiday). Therefore recommend making runoff 14 days after FTR. This also has the advantage of introducing a news cycle. Recommend 14 days and closing. Councilor Coulter: 21 days should be considered to allow for absentee ballots. Nancy Mello: Per RIGL tax roll must be certified by 15 June. FTR process must not by design make this date and impossibility. FTMCAC: In consideration of all factors, including the absentee ballot matter, the FTMCAC decided to set the runoff for 14 days after the FTR.	Closed	
30	continued					JC: Mr. Nunez at BOE said that "worst case" the ES&S vendor would take 5 days to format the ballot for the Eagle optical scanner. When presented with the 21 day and 14 day windows, Mr. Nunez saw no problem schedule wise assuming that the printer (Allied) got it printed in two days as they claimed they could at that time of year. In addition, Mr. Nunez said that if there was a real crunch, that his boss Mr. Raposa could shorten the ES&S time duration. Recommend closing.	Closed	
31	4-May-11		Frank Marshall		Concern regarding minority adoption in a plurality vote.	JC: Explained to Frank that there would be a Runoff which would ensure majority adoption. FTMCAC: Recommend closing.	Closed	
32	16-May-11		Treasurer	Section 602 (a)12.)	Before commenting, I would like to explore this addition as noted -	FTMCAC: #12 is exactly BC resolution which under FTR needs to be hardcoded into charter. In Treasurer section b/c it is a treasurer function/power & duty. Recommend closing.	Closed	

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33	16-May-11		Treasurer	Section 602 (a)13.)	Borrowing....appears to be a partial restatement of current charter #10 – may wish to review the two items and segregate as necessary.	FTMCAC: #13 is exactly BC resolution which under FTR needs to be hardcoded into charter. In Treasurer section b/c it is a treasurer function/power & duty. Note that #32 & 33 address different empowerments. Recommend closing.	Closed	
34	16-May-11		Treasurer	Section 602 (a)	<p>Manage the daily operations of the Treasurer's Office, which includes but is not limited to the following:</p> <p>Review and approve journal entries</p> <p>Review asset and liability reconciliations on a regular basis, to ensure all accounts are properly stated on the trial balance.</p> <p>Review, recommend and write a department policy and procedures manual.</p> <p>To ensure proper flow of information within Town government, work with other departments to implement proper documentation of accounting related input to the general ledger.</p>	<p>FTMCAC: These are great suggestions but outside the scope of the FTMCAC which is limited to the FTM process. The FTMCAC suggests that the Treasurer bring these items to the next full CRC.</p> <p>Recommend closing.</p>	Closed	
35	8-May-11		J Amarantes	Article V	1. The first is ARTICLE V on page 7 where line 10 should be changed to read "...exception of the School Department, Town Clerk and Town Treasurer Budget, may revise them as he/she deems appropriate...". It is necessary to add the Town Clerk and Treasurer to this exception, (1) to insure an appointed official does not change an elected official's proposed budget, and, (2) to make this provision consistent with the language in ARTICLE III Section 301 (a) 2.), 6.), 8.) which clearly excludes the Administrator and Council from involvement in the Treasurer's and Clerk's budget.	FTMCAC: Suggestion implemented in V6 by adding "Town Clerk, and Town Treasurer"	Closed	

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36	8-May-11		J Amarantes	Section 703.4 AND Section 703.5	2. Second. I can't overstress the importance of minimizing radical changes in order to increase the chances of voter approval of this charter change. Accordingly I urge you to keep the requirement for the development of a docket by the Budget Committee. The electors are used to the docket and rely on its content and format. The docket is like an old friend which must be retained in order for the electors to follow the proposed budget in a format they are used to, and so that they can bring the docket to the Financial Town Hearing and to polling place (and into the booth if they are so inclined to do so). Thus I ask that on page 9, Section 703 4. read "...to develop a docket..." and Section 703 5. read "To prepare and submit the docket..."	FTMCAC: Suggestion implemented in V6. Implemented in such way as to make minimal changes to text. Close.	Closed	
37	10-May-11		TSC Robinson	Section 301 (c)	Robinson reviewed older draft which offered V1, V2, V3 SC ballot access options . Robinson: RE SC BP iaw BC recommendation for municipal. This would be a problem b/c it could limit the SC.	V5 as drafted removes this restriction. Recommend closing.	Closed	
38	10-May-11		TSC Robinson	Section 301 (d) 1.)	Robinson reviewed older draft: RE Elector Budget Proposals / The concern is who makes the determination of legality.	JC: V5 as drafted removes eliminates this determination all together. Recommend closing.	Closed	

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39	10-May-11		TSC Robinson	Section 301 (b) 1.)	"total" - this was very important to the SC - that the final language permit a "Total" appropriation.	JC: Facts are in litigation. It is important that the draft charter proposal be general enough so that the charter complies with either verdict. This was expressed at the SC meeting on 10 May, and is consistent with the desire of the SC to be able to put forth a total amount inclusive of aid. I also stated that this is how the FTM is now - it depends on the BC/maker of motion. Recommend FTMCAC carefully generate language that makes this comply with the possible set of court verdicts. FTMCAC: This was considered at length and it was determined that the word "total" was extraneous and actually added confusion. The FTMCAC felt it to be very important that the charter proposal be general enough to be compliant with the two most likely court verdicts. The FTMCAC felt that removing the word total in subsection 1, 2, and 4 was the best way to handle this, and this was implemented in V6. Recommend closing. See # 91 - left open for TC to deliberate.	Closed	
40	10-May-11		TSC Robinson		Policy: Robinson feels that the FTM allows for "collective discussion" and as a result the Town has avoided Carulo actions where the SC sues the Town for more money.	JC: No action needed, just a policy statement. Recommend closing.	Closed	
41	10-May-11		TSC Robinson	Section 302	No ballot access problem for Carulo action was identified.	JC: Special Referenda section permits a path to access under FTR in case increased funding is needed. No foreseen issue identified by Robinson. Recommend closing.	Closed	
42	10-May-11		Bergandy		Supports the private vote	JC: No action needed, just a policy statement. Recommend closing.	Closed	
43	10-May-11		Bergandy		Has some concern about the FTH and FTR voter turnout. Will the same people attend both? Will both have good elector turnout?	JC: A valid concern. FTH is elevated in stature from the current FTM BC public hearing. We likely will never know the answer to this until we give it a few years. There may or may not be a problem. Many will watch the debate on CH 18 and YouTube. Recommend closing.	Closed	

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44	10-May-11		D. Coulter Bergandy	Section 301 (c)	Ventured an opinion that the SC would want access to the ballot, and Jan said it should be unrestricted without V2 limitation.	JC: No action needed, just their preference. Since no other SC members opined, recommend leaving this section as in V5. Recommend closing.	Closed	
45	26-May-11	7-Jun-11	J Amarantes	Page 8 of V6	I have proposed a change to page 8 of 21 on your version #6 (I was unable to obtain V#7 so all my page references are to V6's numbering). As you can see, I show all four categories, i.e., Budget Committee Recommendation, Town Council request, School Committee request and Elector petition. Also, I've prominently added the word "OR" so all can see that there are many budget options - from which one is to be selected and voted upon by the elector.	JC: See file provided by J Amarantes. Asked ND to run this to ground with J Amarantes. ND: Main concern is to clarify that the "Vote For One" does not indicate that voter should vote for BC BP (the 1st on the ballot). FTMCAC: Use Text: "Vote for one of the following Budget Proposals". FTMCAC: Decided that "OR" was not needed with the above clarification. JC: Made changes in V8. FTMCAC: Recommend verifying that change was made in all locations needed, then closing. ND: Suggested "Vote for Only One of the following Budget Proposals". Changes to: Section 301 b1, sample ballot, 301 h6, and section 302. FTMCAC: Agree, make changes and close. JC to implement in V8 and close. JC: Changes implemented and #45 closed	Closed	
46	27-May-11	7-Jun-11	Nancy Mello		Nancy Mello raised the same concern as #45: That the FTR ballot should preserve the right for an elector (via petition) to specify his line item amounts that the petition changes.	JC: Agree we should make every effort to incorporate this feature as an OPTIONAL specification/statement the elector petition can make upon initial distribution of the petitions from the Town Clerk to the Elector. JC: Thought: The BC, TC, and SC will all have the podium enough to make their case. This will give the elector, at their option, to state their case. Treat with # 57. FTMCAC: Close	Closed	

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47	29-May-11	7-Jun-11	J Amarantes		<p>Based on a conversation I had with Nancy Mello late last week, I have a final proposed change to version #6 of the draft ballot question. Specifically, if I understood Nancy correctly, there is a plan to have absentee ballots for the FTR. Further, there is a reference to absentee ballots on page 14, (h)4.), which deals with the FTR runoff. If I have it right, this an important and exciting feature of your ballot question - that is, for the first time in the 300+ year history of Tiverton, shut-ins and invalids who are Tiverton electors will be able to vote for the proposed annual budget.</p> <p>However, I don't see any mention of absentee ballot procedures for the actual FTR, so attached please find proposed amendments to V6 which do provide for absentee ballot pickup and return to the Town Clerk's Office. Kindly note that I am copying Nancy Mello as she is the Board of Canvasser's clerk and they may have some additional input. As I know you are trying to finalize the proposed ballot question in time for the July 11th public hearing, this will be my last suggested change on this fine and innovative document which now opens the budget approval process to our infirmed and elderly shut-ins.</p>	<p>JC: See proposed language provided by J Amarantes. Address in conjunction with 24.</p> <p>JC: On 31 May 2011 a lengthy discussion ensued which included the full FTMCAC, Town Clerk, and Councilor Coulter. In this conversation it was acknowledged by all that the SOS under Title 17 has nothing to do absentee ballots for a budgetary referendum, and that according to Mr. Raposa at BOE the town charter can designate the applicability of absentee ballots.</p> <p>Through this conversation the FTMCAC learned that the Clerk and the BOC actually visit nursing homes/ hospitals/etc to gather votes from those not well. The Clerk indicated that she and the BOC would do everything possible to reach these electors even in the compressed time FTR schedule. Councilor Coulter stated that an affidavit by the absentee voter might be a useful document.</p> <p>JC: Stated that a solution might be to put the BOC in charge of the absentee ballots. Nancy Mello stated that it would be wise to leave the BOC some flexibility to develop and refine this process over the years. The FTMCAC was agreeable.</p> <p>JC & ND: Draft language that enables BOC to implement absentee ballots.</p>	Closed	

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47	continued	7-Jun-11				<p>During the discussion the Clerk stated that Mr. Raposa at BOE suggested that a second Eagle (optical scanning machine) be set up in Town Hall for a period of time so that the absentee ballots could be scanned/counted as they come in. There was general agreement that this was a great idea.</p> <p>FTMCAC: The committee decided by unanimous consensus that JC and ND should draft language "authorizing" the BOC to implement absentee ballots iaw their own process.</p> <p>FTMCAC: Add "including a process for absentee ballots" to sections 301 g4, 301 h5. JC to implement and close.</p> <p>JC: Changes implemented and #24, 47, 47 cont closed See also #56,63, 4</p>	Closed	
52	31-May-11	31-May-11	JC		Discussion of use of EAGLE ballot	<p>JC: Eagle ballot is specifically designed and used for FTM YES/NO voting. It is not applicable to the FTR.</p> <p>Nancy Mello: Eagle is the name of the optical machine. A ballot is a ballot. There is no tie between Eagle and a Yes/No ballot.</p> <p>JC: Complete misunderstanding re what an "Eagle" was.</p> <p>FTMCAC: Recommend Closing.</p>	Closed	
53	31-May-11	7-Jun-11	Nancy Mello		Tax Levy Vote: Authorize TC to take vote by adding to the TC powers and duties.	<p>JC & ND: Draft language</p> <p>FTMCAC: This point is moot as the FTR ballot question itself authorizes the tax levy. Recommend closing.</p>	Closed	
54	31-May-11	21-Jun-11	Nancy Mello		Is a "Warning" needed? The Town Clerk causes the warning.	<p>JC: This is a legal question for Solicitor.</p> <p>JC: Initial Solicitor review complete. Solicitor had no issues. Recommend closing.</p>	Closed	X
55	31-May-11	21-Jun-11	Nancy Mello		Notice: Comparing last year vs. new year BC/TC/SC/Petitions	<p>JC: This is a legal question for Solicitor.</p> <p>JC: Initial Solicitor review complete. Solicitor had no issues. Recommend closing.</p>	Closed	X
56	31-May-11	21-Jun-11	Nancy Mello		Recertification of Voter List between FTR and Runoff	<p>Nancy Mello will check with Bob Raposa at BOE if this would be needed. Treat with #63.</p> <p>JC: Spoke with Miguel Nunez at BOE. The FTR is not Title 17, so requirements such as recertification of the voter list resort to the charter requirement, if any. If when implemented the BOC has a question about this, then they should simply write for the opinion of the BOE on the matter. Recommend closing.</p>	Closed	

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57	31-May-11	7-Jun-11	Nancy Mello J Amarantes		Both noted that there is no way for an elector petition to state how their BP deviates from the BC recommendation.	JC: Discussed 4 options: 1) No ability 2) Optionally record BP deviation statement with Town Clerk. 3) Place BP deviation statement on Elector Petition 4) Place BP deviation statement on ballot FTMCAC: There was consensus that there should be a mechanism to record the wishes of the petition originator. There was also strong consensus that the petition and ballot should remain "unaltered". ND: Via a line of questioning noted that petitioner desires are not binding. FTMCAC: There was a consensus that option #2 would be worth drafting. JC & ND: Draft language. FTMCAC: Section 301 d Petitions - JC directed to change language to the following and close: "The Town Clerk shall record the dollar amounts sought by the petition originator, enter the same on the petition forms, and record a petition originators statement, if any, as to the purpose of the petition." JC: Change implemented and closed.	Closed	
58	31-May-11	21-Jun-11	JC		Draft actual ballot question	FTMCAC: Edits were made real time to the draft ballot question, and JC is to incorporate into V8. JC: Changes incorporated. Recommend leaving open and revisiting this entry each meeting. FTMCAC: A significant effort was made on 16 June which resulted in a much simplified draft ballot question, documented in V8. The input from Laura Epke initially guided this discussion. Recommend leaving open and revisiting this entry each meeting. FTMCAC: Approves ballot question and reason for change and Features list.	Closed	
59	5-Jun-11	7-Jun-11	JC		Should the name "Non Budget Proposals" be replaced by "Resolutions"	JC: Explained to the committee and audience the origin and rationale for the term "Non Budget Proposal". FTMCAC, Rob Coulter, Nancy Mello, Sally Black: Saw no reason why the term "Non Budget Proposal" couldn't be replaced by the term "Resolutions". JC directed to make change in V8 and close. JC: Change implemented and closed.	Closed	

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60	6-Jun-11	7-Jun-11	Tiverton Dad, Nancy Mello and others		Should the 301 signature requirement be reduced to 50 or 100? See blog posts.	<p>Nancy Mello said that to "add a fire truck" currently takes 50 votes under the charter, yet under the FTR it would take 301 signatures. She also said this may be perceived as a "right" being taken away. Others have also stated similar concerns.</p> <p>JC: Recommend FTMCAC consider reducing signature requirement to 50.</p> <p>FTMCAC: A long discussion occurred, somewhat centered on the Patch blog comments posted by Tiverton Dad. In the end there was unanimous consent that the 301 be changed to 50. Part of the rationale was that it currently takes 50 signatures to bring an additional financial proposal (current Section 303) before the FTM. This would leave the signature requirement unchanged, and not increase the hurdle for electors who desire to participate in the FTR process. JC directed to make change and close.</p>	Closed	
61	6-Jun-11	16-Jun-11	ND	Section 204	Use of "special referendum"	<p>Councilor Coulter offered to run this to ground.</p> <p>FTMCAC: Info received with thanks from Councilor Coulter. Upon deliberation the FTMCAC concluded that a Special Referendum is a subset of a Referendum, and therefore the language as drafted in V8 is accurate. Close issue.</p>	Closed	
62	7-Jun-11	16-Jun-11	JC		<p>Since the signature requirement has been lowered from 301 to 50, suggest reducing the 14 day signature period to 7 days. This would enable a week adjustment which would permit ease of absentee ballot implementation for the Runoff. Address with #75.</p>	<p>FTMCAC: Upon deliberation the Committee decided to reduce the signature period to seven days, and move the FTR and Run Off one week earlier. JC to implement changes in V8 and close.</p>	Closed	
63	6-Jun-11	21-Jun-11	Nancy Mello		Nancy Mello to present BOE/Bob Raposa with a written "summary" of planned language related to the BOC/absentee ballots/etc.	<p>JC: Awaiting draft email from Nancy Mello before it goes to BOE. Treat with #56 and #4.</p> <p>JC: Contacted BOE (Miguel Nunez) and verified that BOC jurisdiction in general, BOC jurisdiction over rules & regs for absentee ballots, as well as authorizing the BOC to do the same were all OK.</p> <p>Recommend closing.</p>	Closed	

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64	13-Jun-11	16-Jun-11	Jay Lambert	Section 301 d. 1.	Allow a "Legal resident of voting age" to originate/carry a petition. This is due to the Solicitor's concern.	FTMCAC: JC to add one sentence to V8: "Any person obtaining signatures must be a legal resident of voting age". Close.	Closed	
65	13-Jun-11	16-Jun-11	Sally Black	Section 1218	Mrs. Black agreed that town resources should not be used to influence a voting contest. However she indicated that under the FTR additional marketing of the SC budget would be necessary and that 'speaking' on town property was stifled by Section 1218.	JC: During the TC meeting discussion JC stated that 1218 does not prevent public officials from preventing their opinion because expressing an opinion does not necessarily use Town resources. JC: Then requested that the Solicitor opine. Solicitor: Stated that 1218 does not limit first amendment rights, but rather the use of tangible resources, including employee paid labor. With this clarification by the solicitor, Ms. Black was content. JC: Recommend closing. FTMCAC: Discussed, close.	Closed	
66	13-Jun-11	16-Jun-11	ND		At the 13 Jun TC meeting ND asked the Solicitor if the Referendum was legal to which the Solicitor responded it was.	JC: Recommend closing FTMCAC: Discussed, close.	Closed	
67	13-Jun-11	16-Jun-11	Jay Lambert		Whatever the FTMCAC decides, make it simple.	JC: General comment. Recommend heeding to his advice and closing. FTMCAC: Discussed, simplified ballot question, close.	Closed	
68	13-Jun-11	16-Jun-11	Joe Sousa	Section 301 d 3	Joe thought the signature requirement should be higher.	FTMCAC: See #60. Also, the FTMCAC desires to meet the Town Administrator request of moving the FTR one week earlier, and this can be accomplished by reducing the 14 day signature period to 7 days owing to the requirement being 50 signatures.	Closed	

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69	13-Jun-11	16-Jun-11	Joe Sousa		Joe thought the amount of elector petitions should be limited.	<p>FTMCAC: It is desirable to make elector petitions and participation easily accessible.</p> <p>A high signature requirement and a limited number of petitions increases the burden on voters/electors. See Tiverton Dad comments #60.</p> <p>If limited to three petitions, then how are the three selected? If it is those with the most number of signatures then petition carriers will feel compelled to get many, many times 50 signatures to ensure ballot access. Similarly, if access is granted to "the first 3 petitions filed" then the signature process becomes a race which is also burdensome.</p> <p>FTMCAC: Discussed it's confidence in voters that the petition process would be handled responsibly by voters. Leave unchanged and close.</p>	Closed	
70	13-Jun-11	16-Jun-11	Joe Sousa		Joe thought with the resolves the ballot could be very long.	<p>FTMCAC: The FTM moderator resolutions have been eliminated entirely. Additionally, the traditional BC resolutions that are passed each year are "hardcoded" into the charter in the appropriate places. Hence, the only remaining Resolutions to appear on the FTR ballot are those of a "special" purpose, for example selling buildings, etc. In this way the resolutions should be few and should not result in a long ballot.</p>	Closed	
71	13-Jun-11	16-Jun-11	Brett Pelletier		Councilor Pelletier was concerned that there could be say 20 options on the ballot and that there could be voter confusion owing to lack of explanation to voters.	<p>FTMCAC: The Financial Town Hearing is 2 weeks before the FTR.</p> <p>There is advance notice of all Budget Proposals and Resolutions at least 2 weeks before the FTR, with additional RIGL notice requirements.</p> <p>There is 1-2 news cycles (weekly) between the FTH and the FTR.</p> <p>If there was a crowded FTR ballot, then it would be likely that the Run Off would be invoked, which eventually brings focus to the most popular Budget Proposals.</p> <p>The Run Off also has 1 - 2 news cycles (weekly) before it and after the FTR.</p> <p>To the contrary, the FTM is very confusing to many owing to parliamentary procedure and 'surprise' motions/amendments.</p> <p>In summary, the FTR is more measured and clear to the voter. Close.</p>	Closed	

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72	13-Jun-11	16-Jun-11	Solicitor Teitz		The Solicitor asked a general question re "Non Budget Proposals". Specifically he asked if they would essentially be FTM "Resolutions".	JC: At the TC meeting explained that the FTMCAC has decided to replace the term "Non Budget Proposals" with the term "Resolutions". The reason given was that they were essentially the same thing and that the townspeople were accustomed to the term "Resolutions". Recommend closing. FTMCAC: Discussed and closed.	Closed	
73	13-Jun-11	16-Jun-11	Ed Roderick		Councilor Roderick stated that there was no way to vote "No" for all the budget proposals.	JC: At the TC meeting explained that "No" votes at the FTM eventually leads to a new main motion. It was clarified that a No vote does not mean the FTM can go home and no budgets are adopted. It was pointed out that the FTM cannot end until it's business is complete, which means that a budget / tax levy is adopted. It was stated by JC that to offer the "No" vote option then either 1) a charter prescribed default was needed to direct what is to happen, or 2) a new ballot with new options needs to be put before the voters. JC also stated that the FTR charter proposal also allows elector access to the ballot via petition, and that the timing of the petition would permit the elector to evaluate the need for the petition AFTER all the government numbers are on the ballot. JC stated that Councilor Roderick may be looking at the glass half empty, rather than half full, in that if the precise amount of a Budget Proposal is that important to the elector, then the elector should file his own Budget Proposal via petition, and that if he didn't, then the elector has waived his right. JC: Further to the above, the 2008 Charter Review Commission had a "default" (=CPI) and this was met by was met by strong resistance from both pro-tax and anti-tax town factions. FTMCAC: Discussed and closed.	Closed	
74	continued	16-Jun-11				JC: Further to the above, creating a new ballot with new Budget Proposals under the "No" condition is not practical for the Town Schedule (tax bills must be sent), cost to the town, and inconvenience of townspeople. The "No" condition of Councilor Roderick leads to a complete regeneration of the FTR ballot and revote, which under the current FTR draft would take at least 50 days. This is especially true in light of the fact that ANY elector can originate a petition BP if they are not happy with the BC/TC/SC budget proposals. JC: Recommend discussion. FTMCAC: Discussed in depth in conjunction with the "Decision Matrix" attached to the 16 June minutes. There was consensus that the drafted language is favorable to either an uncertain end date or non majority adoption. Because of this reality and confirmation, close.	Closed	

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75	13-Jun-11	16-Jun-11	James Goncalo Town Administrator		The Town Administrator submitted his schedule concern in writing re the amount of time needed to send tax bills (See FTMCAC 16 Jun 2011 Minutes). Address with #62.	<p>JC: At the TC meeting a lengthy discussion ensued, to which the Town Administrator agreed that if we could make the schedule earlier by one week then this would be a great help. It was acknowledged that one week earlier would make the schedule approximately the same as the current FTM schedule.</p> <p>JC: Recommend that the FTMCAC address this issue and do everything possible to move the FTR date to be one week earlier.</p> <p>FTMCAC: Schedule moved 1 FTR and Run Off one week earlier. The 1 week is the result of reducing the 301 signature period of 14 days to 50 signatures and 7 days. Since the Town Administrator has been accommodated, close.</p>	Closed	
76	13-Jun-11	16-Jun-11	Cecil Leonard		Councilor Leonard expressed that there is no "NO" option on the ballot, and by this option he means a "Default" condition that occurs if No budget is passed. This gets to the heart of Yes/No questions versus a Vote for One/Runoff process, and what happens in the Yes / No Question scenario, no budget is passed. Essentially Councilor Leonard was making the point that the Charter could "prescribe" a default condition that occurs if no budget is passed.	<p>JC: As mentioned above, the 2008 Charter Review Commission had a "default" (=CPI) and this was met by was met by strong resistance from both pro-tax and anti-tax town factions.</p> <p>JC: The real question is is it better to have a runoff of the two highest FTR vote getters, or impose a non negotiable, charter prescribed amount.</p> <p>JC: Personal opinion that the Runoff does a better job representing the will of the people.</p> <p>JC: Recommend FTMCAC discuss.</p> <p>FTMCAC: in 2008 the "Default" concept was met with strong resistance. The Run Off does a much better job of representing/expressing the will of the voters. AS drafted the tax levy is approved by a majority of voters versus a 'default' which was not affirmatively approved. Majority Approval is viewed as more important than a default outcome. Close.</p>	Closed	
77	13-Jun-11	16-Jun-11	Jay Lambert	Section 301 d	Councilor Lambert expressed that the solicitors concern that the petition carriers be electors could easily be resolved with the language: "legal resident of voting age". There was consensus that a petition originator should be an elector. Address with #64.	<p>JC: Recommend implementation and closing.</p> <p>FTMCAC: Same as #64. Already addressed and close.</p>	Closed	

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78	16-Jun-11	16-Jun-11	Laura Epke		A. "Financial Town Referendum" – As was discussed at last Monday night's Council meeting, this is an election not a referendum. A referendum is a yes/no vote on a question. This process elects an appropriation & tax levy. May seem wonky, but words matter. What about the old title – "Financial Town Election"?	<p>REFERENDUM</p> <p><u>Webster's Dictionary</u> a : the principle or practice of submitting to popular vote a measure passed on or proposed by a legislative body or by popular initiative b : a vote on a measure so submitted</p> <p><u>Oxford Dictionary</u> a general vote by the electorate on a single political question that has been referred to them for a direct decision.</p> <p><u>Cambridge Dictionary</u> a vote in which all the people in a country or an area are asked to give their opinion about or decide an important political or social question <i>Is it more democratic to hold a referendum, rather than let the government alone decide?</i></p>	Closed	
78	Continued	16-Jun-11	Laura Epke			<p>FTMCAC: The definition of Referendum per above are self consistent with the FTR. There is no requirement in the definitions which states that there has to be an approve/reject condition.</p> <p>While Budget Proposals have a Vote For One format, the process ultimately ends with a majority vote succeeding. Conversely, Resolutions have the Approve/Reject format. If one takes the position that the Approve/Reject format is necessary to have a Referendum, then the Resolutions meet that criteria.</p> <p>Referendum often include or are initiated by a popular initiative. In this case the petition is a popular initiative.</p> <p>Many of the definitions for Referendum also reference a "popular vote". In the case of the FTR, the most popular Budget Proposal wins, or the two most popular go to the Run Off, which again is a popular vote. This is consistent with the definitions of Referendum above.</p> <p>FTMCAC feels that the word Referendum does the best job explaining the totality of the ballot generation and voter action required. Close.</p>	Closed	

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79	16-Jun-11	16-Jun-11	Laura Epke		<p>B. Ballot Question (pg. 2 of 24) – Remember, the ballot question is important. As written, the question:</p> <ol style="list-style-type: none"> 1. implies that voters will be able to reject/vote no (“whether or not to approve the budget ...”) – should be clarified? 2. doesn’t include any reference to referendum vote (up/down) on resolutions/non-budget proposals – need to add? 3. isn’t clear that the Council, School Comm. and petitions propose appropriations and tax levies – insert “tax levy” on 4th line (i.e., “ ... recommendations presented by the Budget Committee, or other budget and tax levy proposals placed on the .referendum ballot ...”)? 4. speaks to replacing the FTM with voting on budget proposals but, this process doesn’t include voting on “budgets” – just appropriations and tax levies. 	<p>FTMCAC: Agrees Ballot Question is important.</p> <ol style="list-style-type: none"> 1. The ballot question has been reworded in V8. 2. The ballot question has been reworded in V8. 3. The ballot question has been reworded in V8. 4. "appropriations" has been added in V8. <p>Close</p>	Closed	

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80	16-Jun-11	16-Jun-11	Laura Epke		<p>C. Is there a need/desire to explicitly approve budgets? In the past, the terms "appropriate" and "budget" were often used interchangeably. There really is a difference – which Mr. Teitz correctly pointed out this year. My understanding of the FTM process is that we appropriate monies to spend, approve how the monies are to be spent (school bottom line expense budget, municipal line item expense budget), and then levy a tax on ourselves to raise the money needed for the approved appropriations. Under this proposal to replace the FTM with a referendum, electors will not be able to approve a line item Municipal budget – just a total sum to expend (total appropriation). Does there have to be two more items on the ballot for voters to approve a total expense budget for School & Municipal? And, what is the process for determining the Municipal line item budget (think of the Treasurer's Budget Report)? If, for example, voters approve a petition proposal that cuts the Municipal bottom line by \$150K, who decides what gets cut and how is that decision made?</p>	<p>FTMCAC: The charter reads "The electors of the Town shall assemble each year in Financial Town Meeting on the second Saturday in May at 9:00 o'clock a.m. to 1:00 o'clock p.m. for the purpose of hearing official reports, ordering any tax which lawfully may be ordered, making appropriations, and transacting any other business pertaining to the affairs of the Town which may legally come before such meeting." Only appropriations is mentioned in charter.</p> <p>In V8 the Town Clerk is required to record "a petition originators statement, if any, as to the purpose of the petition." The FTMCAC discussed this at length and for the most part acknowledged that the TC/SC can move monies as they see fit absent a resolution preventing the same. In other words, the FTM generally cannot bind the government to the voted spending plan. This is true in the FTM, and is presumed to be true under the FTR. So, the recording of a "statement" seems to be the most reasonable way to capture the petition originators intent. Should the TC/SC not abide by the statement, then they face the political reality of the same. See # 57. Close</p>	Closed	

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81	16-Jun-11	21-Jun-11	Laura Epke		D. Ballot option to expend monies from the Unreserved General Fund – Introducing this option opens the door for line items. If the process allows for specifying \$\$ to pull from the General Fund, it also has to allow for other revenue changes (e.g., a different estimate for State Education Aid). That's the whole point of having a bottom line only. If a proposal wants to use \$300K from the Gen'l Fund to offset taxes, then all that would change is the tax levy (lower by \$300K).	FTMCAC: JC to discuss this with Laura. JC: Agree with Laura's point that an explicit statement is functionally not needed because the budgets and tax levy essentially define the General Fund draw down. However, if there is a requirement in state law or the charter that explicitly requires a vote to draw down the General Fund, then somehow this would need to be accommodated. Jeff expressed to Laura that if the charter and state law are silent on the matter, then he would recommend to the FTMCAC that the explicit statement C. be removed. JC: Based upon conversation with Laura, JC to review charter and RIGL for specific requirements to draw on General Fund. JC: Upon review of the charter, there are no references to an explicit vote of the people being needed to authorize using some of the General Fund, as long as the 3% reserve condition is met. JC: Upon review of state law, no requirement was found. Suggest marking "x" for solicitor review and closing. Also 301 (b) 1.) C. deleted from V8.	Closed	X
82	16-Jun-11	16-Jun-11	Laura Epke	301(a) 6-11 (pgs 5-6)	E. 301(a) 6-11 (pgs 5-6) – "final"? I don't think final is the correct term here – maybe "proposed"? Unless the intent is to say no more changes allowed after this date. Really? If so, this year the Council would have had to vote on a "final" budget, including "final" revenue estimates, by March 5 th – that's not realistic. Besides, nothing is "final" until after the people vote.	FTMCAC: Agrees that a word needs to be added. Section 703 refers to 'each requested budget expenditure'. The budgets submitted to the BC are requested budgets. Alternatively the BC budget is a "Recommendation". In V8 the word "request" was added to Section 301 (a) as appropriate. This makes it clear that the submission is a request, that the ultimately BC is to act on. Regarding the word "Final", the sequential nature of the ballot preparation process is critical for open and honest government. Additionally, it is patently unfair for the BC to have to make a recommendation when it does not even know the final requests. Last, as Laura points out, Final is a relative term. As drafted, after the BC makes it's recommendation the SC and TC have an optional right to enter a Budget Proposal. This time period extends to about April 10 in 2011. This serves as a much later date catch all if needed. Close	Closed	
83	16-Jun-11	16-Jun-11	Laura Epke	301(b) 1.) 2.) (pg. 7)	F. 301(b) 1.) 2.) (pg. 7) Municipal appropriation – Does this include the Treasurer & Town Clerk? Logic would say yes, but, 301(a) 2 & 8 explicitly exclude the Treas. & Clerk while 503 1) (pg. 12) includes both (but doesn't allow for changes). It's not clear.	FTMCAC: Agree not clear. Added to V8 301 (b) 1. 2.): "(including the Town Clerk and Town Treasurer)" Close	Closed	

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84	16-Jun-11	16-Jun-11	Laura Epke		G. Treasurer & Clerk ballot options – If the Budget Comm. decides to cut the Treasurer and/or Town Clerk budget, what is their recourse? A petition? If you give “ballot access” to the Council & School Comm., why not the Treasurer & Clerk as well? And, if a petition proposes say a cut of \$40K to the Treasurer’s salary how would that be carried out if the Treasurer’s budget isn’t broken out on the ballot?	FTMCAC: The point is well taken, however under the FTM the recourse is to go to the floor of the FTM. To maintain the Balance of Power as much as possible, the FTMCAC prefers to leave unchanged and as drafted in V7. The recorded statement (see #46, #57) should handle the petition issue. Close	Closed	
85	16-Jun-11	21-Jun-11	Laura Epke	Section 301(d) 1) (pg. 8)	G. 301(d) 1) (pg. 8) Elector Budget Proposals – 5 th line down, “The Town Clerk shall record the dollar amounts sought by the petition originator” – why would the Clerk fill out the form? Doesn’t it then make the petition the Clerk’s petition? And, 8 th line down, “... any alteration of the language [on the petition] subsequent to its verification by the Town Clerk, shall be of no force or effect.” What verification? If the Clerk fills out the petition form, no verification of the form is needed. If the petitioner fills out the form, then the Clerk needs to verify that the numbers add up/are what they need to be.	FTMCAC: JC noted that the intent of having the Town Clerk fill out the form was just to ensure that it was typeset and there was no ambiguity due to handwriting. The amounts are of course those of the Petition Originator. ND found the section unclear and took the action to clarify the language. JC entered ND draft language into V8 for review by FTMCAC. If approved recommend closing.	Closed	
86	16-Jun-11	21-Jun-11	Laura Epke	page 3, Exhibit 1	I. (1) pg. 3, Exhibit 1, Summary Flow Chart, last box for Runoff – delete one “n” (Runoff).	JC: Change made in V8. Recommend closing.	Closed	
87	16-Jun-11	21-Jun-11	Laura Epke	page 5, Section 301	I. (2) pg. 5, Section 301 “Budget and Tax Levy Adoption Process (Summarized in Appendix A) – If the intent is to have Exhibit 1 flow chart included in the Charter Amendment to appear at the end of the Charter as “Appendix A” then include “(Summarized in Appendix A)” in the title for Section 301. If you’re not going to include Exhibit 1 as Appendix A in the actual charter change, then delete the reference.	JC & ND: The language in 301 (a) is clear, and redundant statements can often lead to ambiguity. Suggest that the flowchart not be included in the charter proposal, but rather used as an FTMCAC voter explanation tool. JC: Reference to Appendix A deleted in V8, as is the flowchart. Suggest forwarding the flowchart under cover letter to the TC as a helpful tool, however. Recommend closing.	Closed	

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88	16-Jun-11	21-Jun-11	Laura Epke	Page 7, 301 (b)	1. pg. 7, 301(b) 1) Budget Proposals – the numbering for the ballot items should be changed to letters - i.e., 301(b) 1.) 1.) should be 301(b) 1.) A.) ... or something other than another 1). Look right below at 301(b) 2. – 3 rd line down. If the ballot item subsections aren't changed to letters, then "Section 301(b) Ballot 1.) though [sic, needs an "r"] 6.). would need to be changed to "Section 301(b) Ballot 1.) 1.) through 6.) – way too confusing. Change ripples through to other sections.	JC: Change made in V8. Recommend review by FTMCAC and recommend closing.	Closed	
89	16-Jun-11	21-Jun-11	Laura Epke	Page 8, 301 (d) 2.)	pg. 8, 301(d) 2.) Elector Non Budget Proposals – 3 rd line down – suggest change as follows: "included in on the ballot for the Financial Town Referendum."	JC: Change made in V8. Recommend closing.	Closed	
92	20-Jun-11	21-Jun-11	TSC Robinson		1. Sec. 301(f), Financial Town Hearing: Under this section, all of the budget proposals are to be presented so that the electors may review and debate them prior to the actual referendum vote. This section does not set out any specific procedures for this hearing. For example, in what order are the proposals to be presented? By whom? What will be the rules of order for any debate? Who may speak during the debate? How long will the hearing last? Will it be held at a time which will accommodate the electors? These are all crucial questions that are left unanswered under this section.	ND: Pursuant to the FTR proposal, the Town Clerk presides over the FTH. In meeting with the Town Clerk, she indicates her role will be to organize hearing logistics, set the agenda, and maintain an orderly flow of events. At the actual hearing the Budget Committee, and any other budget proposal originators, will have the same standing (a seat on the stage, for example). The hearing is to be handled "equitably", and every entity or person will be heard. The Town Clerk is in agreement with the above, and requested freedom to iron out details. Recommend closing.	Closed	

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93	20-Jun-11	21-Jun-11	TSC Robinson		1. Sec. 301(g), Absentee Ballots: This section does not specify the circumstances under which one will be eligible for an absentee ballot.	<p>JC: See #56, #63, #4. The absentee ballot matter was discussed in detail with the Board of Elections, Secretary of State, Board of Canvassers, Town Clerk, and the ballot printing company Allied Printers. The FTR does not fall under Title 17 Elections, and therefore the BOC by default has jurisdiction. Locally the BOC would prefer flexibility in this process so that their rules and regulations can be improved over time.</p> <p>The clerk of the BOC indicated that she would develop an eligibility criteria and form to be filled out by the absentee voter.</p> <p>Recommend closing.</p>	Closed	
94	20-Jun-11	21-Jun-11	TSC Robinson		1. Sec. 407(16), Tax Caps: This section mandates that if the Town Clerk receives a budget proposal that would require a tax levy in excess of the Paiva-Weed caps, the Town Council must apply for an excess levy approval from the State. This section creates problems because there are only a limited set of circumstances under which a municipality may be eligible to obtain an excess levy approval. If it is clear that the Town would not qualify for an approval under any circumstance, will the Town be required to go through the exercise of making a futile request? This seems to be an unwise requirement for the Town, as the making of patently frivolous excess levy requests might cause the Town to lose credibility with the state officials. That loss of credibility might cause problems in getting approvals when we are in fact eligible for them.	<p>See #27. Earlier draft language had the Town Clerk acting as a gatekeeper of "legal" petitions. In # 27, School Committee member Hermann expressed concern about this and the language was modified to accommodate her concerns.</p> <p>If there is a gatekeeper function then voters will likely say that "their rights are being taken away", those rights being to break the cap.</p> <p>We also expanded the timeframe in which the TC can seek authorization to exceed the cap, so this gives more "buffer".</p> <p>This is a significant improvement over the FTM, where excess levies tend to be "post FTM certified". Under the FTR, at least voters will have some sense of the legality upon the FTR vote.</p> <p>Recommend closing.</p>	Closed	

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95	20-Jun-11	21-Jun-11	TSC Robinson		Another problem with the proposal is that the timing element is not clear. The Town Council would not necessarily be able to get an approval prior to the Referendum. If the Referendum results in a budget that causes the Town to exceed the levy cap, and the state later denies approval to exceed the levy cap, what procedure will follow? Will we be required to go through the Referendum again?	ND: See #94. This problem currently exists under the FTM and is exacerbated by the "post FTM certification" practice. The FTR process will minimize much of this occurrence. As with the FTM today, there will be no revote, and the town will have to make things work. Recommend closing.	Closed	
96	20-Jun-11	21-Jun-11	Bergandy Hermann		Both expressed that 50 signatures for a BP is too low. Jan was concerned that an 'uninformed' group of 50 would put a BP on, and that a higher signature requirement would limit this. Hermann was concerned that if there were say 15 BPs on the ballot, then the two high vote getters might define what goes into the Runoff with only say 38% of the popular support.	See #60 & #62 JC: . Bergandy raised a legitimate concern, one which the committee has wrestled with, and still would like to seek a balance between ballot accessibility and a crowded ballot. The only reason there would be 15 BP's is because people were exercising their right to the process. In the end there will be a Runoff in which a majority will win. Recommend FTMCAC discuss this further. FTMCAC: It is acknowledged that organized groups such as the tax and parents groups will easily get a large quantity of signatures. However, raising the bar too high will disenfranchise electors acting alone. FTMCAC: Has reconsidered and FTMCAC is open to increasing to 100 at the most since the duration to obtain signatures is seven days. Recommend closing.	Closed	
97	20-Jun-11	21-Jun-11	Pallasch		This is an "Election", not a "Referendum"	See #78. Recommend closing.	Closed	

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98	20-Jun-11	21-Jun-11	Pallasch Hermann		It is not possible to vote "No"	<p>See # 73 & #74.</p> <p>This is a tradeoff between finality of vote and majority adoption.</p> <p>JC: Recommend FTMCAC considers promoting a second version to the TC in which voters have the ability to say "NO".</p> <p>RH: See Decision Matrix.</p> <p>FTMCAC: A 'No' vote or a series of 'No' votes at the FTM eventually leads to a new main motion. In the FTR, a no vote is not necessary because every voter, without limitation, has the right to submit their Budget Proposal directly to the FTR ballot.</p> <p>FTMCAC: Drafted an alternate version of the FTR using Approve/Reject language in MS Word track changes. FTMCAC desires to send this version along with the Vote for One version to the TC for PH publication. This action was directed by Unanimous Consent of the FTMCAC (John Martin absent).</p> <p>FTMCAC: Close</p>	Closed	
99	20-Jun-11	21-Jun-11	Pallasch		Budget due by 15 March	<p>JC: The BC role is to 'review the requested budget expenditure of the school department' and ultimately make a recommendation. To achieve this the BC needs a final request. In 2011 the SC submitted it 's final request "one day" before the BC deadline. It is the FTMCAC's understanding that the BC was caused to defer its final votes until receipt of the final SC amounts. In addition, in past years the TC and SC caused delay to the BC in similar fashion. While the FTMCAC is sympathetic to this SC timing concern, offering time for the BC to complete it's work is also an important consideration.</p> <p>Recommend closing.</p>	Closed	

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100	20-Jun-11	21-Jun-11	Herman, Black and Pallasch		Requiring the SC to enter an amount for the Municipal budget is unreasonable and not under the purview of the SC.	<p>ND & JC: Understood concern of SC. Revised language inserted into V8 for FTMCAC approval. New language accomplishes the independence of school and municipal at their choice.</p> <p>Regarding the excess levy that could result, School Committee member Hermann expressed the concern that electors should be able to submit a petition that exceeds the cap. See #27 and #94. Logically if a petitioner can put an excess levy on the ballot, then certainly the SC & TC should be allowed to. In addition, the budget proposal format has a field for the excess levy amount.</p> <p>Recommend closing.</p>	Closed	
101	20-Jun-11	21-Jun-11	Pallasch		Desires an explicit statement of 4/5th vote applicability	<p>ND: See #11 & #28. State law controls and litigation pending. Charter should stay silent pending litigation results.</p> <p>Recommend closing.</p>	Closed	
102	20-Jun-11	21-Jun-11	Mike Burk		Section 1218 would not allow the SC to persuade voters	<p>JC: In response to Sally Black's concern re expressing opinions on public grounds as an agent of the SC, Solicitor Teitz clarified that 1218 only limited the use of resources, labor, etc, and it did not limit speech on public grounds. However, per an 80% voters mandate in 2008, 1218 reads:</p> <p>"No officer or employee of the Town, including the school Department, shall use, or cause to be used, Town property, goods, money, grants, or labor to influence the outcome of an election, ballot question, Financial Town Meeting, or referendum; the foregoing shall not prohibit the distribution or publication of election, ballot question, Financial Town Meeting, or referendum information by the Town Clerk, the Board of Canvassers, or a Charter Review Commission."</p> <p>ND & JC: It is unclear why Mike Burk would bring 1218 into this discussion. The FTR seeks to mimic the FTM, the primary difference being a private 10 minute vote versus a public multi hour vote. Use of Town resources should not occur in either the FTM or FTR, hence why bringing 1218 into the discussion is unclear.</p> <p>Recommend closing.</p>	Closed	